

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JEREMY A. MARCUM,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00295

SHANE DAFF and
MONTANA COVERT,

Defendants.

MEMORANDUM OPINION AND ORDER

On March 12, 2025, the Plaintiff, proceeding pro se, filed a Motion for Default Judgment (Document 31) in this matter. By *Administrative Order* (Document 5) previously entered on June 18, 2024, this action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On April 4, 2025, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 35) regarding the Plaintiff's Motion for Default Judgment wherein it is recommended that this Court deny the motion (Document 31) and refer the matter to the Magistrate Judge for further proceedings. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by April 21, 2025.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the

factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Plaintiff's Motion for Default Judgment (Document 31) be **DENIED** and this matter be **REFERRED** to the Magistrate Judge Aboulhosn for further proceedings.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Aboulhosn, counsel of record, and any unrepresented party.

ENTER: May 5, 2025



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA